

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
GABRIEL WHITLEY,
Plaintiff,

v.

TIFFANY J. PRESTON, in her individual and official capacity as Assistant United States Attorney;

ZACHARY A. MYERS, in his individual capacity as former U.S. Attorney for the Southern District of Indiana;

UNITED STATES DEPARTMENT OF JUSTICE;

UNITED STATES OF AMERICA;

Defendants.

Case No.: [To be assigned] 1:25-cv-00768-JPH-MJD

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS, ABUSE OF PROCESS, AND CIVIL CONSPIRACY

INTRODUCTION

1. Plaintiff Gabriel Whitley pro se brings this action against Defendants Tiffany J. Preston, Zachary A. Myers, the United States Department of Justice (DOJ), and the United States of America for violations of his constitutional rights under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Defendants engaged in a coordinated effort to maliciously prosecute Plaintiff without probable cause, motivated by a conflict of interest and political bias, resulting in severe harm to Plaintiff's reputation, liberty, and livelihood.
2. Defendants abused their authority by initiating baseless campaign finance violation charges against Plaintiff, a former congressional candidate, to suppress his political activities and protect the interests of incumbent Representative André Carson and Defendant Myers' associate, Abdul-Hakim Shabazz a well known radical Muslim Democrat who pretends to be a Republican. Defendants further coerced Plaintiff into accepting a plea deal through threats to his life by FBI agents, constituting a violation of due process and equal protection under the law.
3. Plaintiff seeks compensatory and punitive damages, declaratory and injunctive relief, and attorneys' fees to redress these egregious violations of his constitutional rights.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1343 (civil rights violations), and 28 U.S.C. § 1346 (claims against the United States). Claims are brought under 42 U.S.C. § 1983 for violations by state actors (to the extent applicable), Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), for violations by federal actors, and the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671–2680, for tortious conduct by federal employees.
2. Venue is proper in the Southern District of Indiana under 28 U.S.C. § 1331(b) because the events giving rise to this complaint occurred in this district, and Defendants conducted their official duties within this district.

PARTIES

1. Plaintiff Gabriel Whitley is a resident of Indianapolis, Indiana, and a former Republican candidate for Indiana's Seventh Congressional District. He is a citizen of the United States entitled to the protections of the U.S. Constitution.

FILED

04/23/2025

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Kristine L. Seufert, Clerk**

2. Defendant Tiffany J. Preston is an Assistant United States Attorney for the Southern District of Indiana. She is sued in her individual and official capacities for her role in prosecuting Plaintiff without probable cause and in violation of his constitutional rights.
3. Defendant Zachary A. Myers is the former U.S. Attorney for the Southern District of Indiana. He is sued in his individual capacity for orchestrating a malicious prosecution against Plaintiff due to a conflict of interest and political bias.
4. Defendant United States Department of Justice (DOJ) is a federal agency responsible for the actions of its employees, including Defendants Preston and Myers, acting within the scope of their employment.
5. Defendant United States of America is named as a defendant under the FTCA for tortious acts committed by federal employees.

FACTUAL ALLEGATIONS

1. Plaintiff Gabriel Whitley ran as a Republican candidate in the primary election for Indiana's Seventh Congressional District in 2024, challenging incumbent Representative André Carson.
2. Defendant Zachary A. Myers, then U.S. Attorney for the Southern District of Indiana, maintained a personal and professional relationship with Abdul-Hakim Shabazz, an attorney, political commentator, and former Republican mayoral candidate in Indianapolis.
3. Shabazz initiated multiple frivolous civil lawsuits against Plaintiff, including a defamation lawsuit in Marion County Circuit Court, with the intent to harass and financially burden Plaintiff. These lawsuits were baseless and designed to suppress Plaintiff's political activities.
4. Defendant Myers was aware of Shabazz's lawsuits and supported them, motivated by his political alignment with Representative Carson and his desire to undermine Plaintiff's candidacy.
5. In 2023, Shabazz, in collaboration with Gabrielle Kendall, prepared a 58-page dossier alleging campaign finance violations by Plaintiff. The dossier contained misleading and fabricated information, including claims that Plaintiff falsified donor identities and contributions.
6. Defendant Myers forwarded this dossier to the FBI without verifying its accuracy, initiating a federal investigation into Plaintiff's campaign finances. This action lacked probable cause and was driven by Myers' conflict of interest with Shabazz.
7. On July 17, 2024, FBI agents searched Plaintiff's Indianapolis home, seizing electronic devices. The search was conducted without a valid basis or probable cause, violating Plaintiff's Fourth Amendment rights.
8. Following the search, FBI agents, acting under the direction of Defendants, threatened Plaintiff's life and pressured him to accept a plea deal for alleged campaign finance violations. These threats included statements implying physical harm if Plaintiff did not comply.
9. Plaintiff has filed a separate lawsuit against the Indianapolis FBI Field Office for these life-threatening actions, which is pending in federal court.
10. On January 9, 2025, the U.S. Attorney's Office announced that Plaintiff would plead guilty to making false statements to the Federal Election Commission (FEC). This plea was coerced through Defendants' threats and intimidation, rendering it involuntary and a violation of Plaintiff's Fifth Amendment due process rights.

11. Defendants' actions were part of a conspiracy to violate Plaintiff's constitutional rights, suppress his First Amendment-protected political speech, and protect the political interests of Representative Carson and Shabazz.

12. As a result of Defendants' actions, Plaintiff suffered severe emotional distress, reputational harm, financial losses, and the curtailment of his political career.

CAUSES OF ACTION

Count I: Violation of Fourth Amendment Rights (Unreasonable Search and Seizure) – Bivens Claim

(Against Defendants Preston and Myers in their individual capacities)

1. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
2. Defendants Preston and Myers violated Plaintiff's Fourth Amendment rights by initiating and supporting an FBI search of Plaintiff's home on July 17, 2024, without probable cause. The search was based on a baseless dossier and lacked a legitimate legal basis.
3. This unreasonable search and seizure caused Plaintiff to suffer emotional distress, loss of privacy, and damage to his property.

Count II: Violation of Fifth Amendment Due Process Rights – Bivens Claim

(Against Defendants Preston and Myers in their individual capacities)

1. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
2. Defendants Preston and Myers violated Plaintiff's Fifth Amendment due process rights by coercing him into accepting a plea deal through FBI threats to his life. This coercion rendered the plea involuntary and constituted an abuse of prosecutorial authority.
3. Defendants' actions deprived Plaintiff of his liberty and property without due process of law, causing severe emotional and financial harm.

Count III: Violation of First Amendment Rights (Retaliation for Political Speech) – Bivens Claim

(Against Defendants Preston and Myers in their individual capacities)

1. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
2. Defendants Preston and Myers targeted Plaintiff for prosecution in retaliation for his political candidacy and speech as a Republican challenger to Representative Carson. This retaliation violated Plaintiff's First Amendment rights to free speech and political association.
3. Defendants' actions chilled Plaintiff's political activities and caused reputational and financial harm.

Count IV: Abuse of Process – FTCA Claim

(Against Defendant United States of America)

1. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
2. Defendants Preston and Myers, acting within the scope of their employment, abused the legal process by initiating a baseless prosecution against Plaintiff to further their personal and political interests, including protecting Shabazz and Carson.
3. This abuse of process caused Plaintiff to incur legal expenses, emotional distress, and reputational damage.

Count V: Civil Conspiracy to Violate Constitutional Rights – Bivens and § 1983 Claim

(Against Defendants Preston and Myers in their individual capacities)

1. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
2. Defendants Preston and Myers conspired with Shabazz and others to violate Plaintiff's constitutional rights by orchestrating a malicious prosecution, fabricating evidence, and

coercing a plea deal. This conspiracy was motivated by a conflict of interest and political bias.

3. The conspiracy caused Plaintiff to suffer constitutional deprivations, emotional distress, and financial losses.

Count VI: Malicious Prosecution – FTCA Claim

(Against Defendant United States of America)

1. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
2. Defendants Preston and Myers, acting within the scope of their employment, maliciously prosecuted Plaintiff without probable cause, knowing the campaign finance allegations were baseless. The prosecution was initiated to harm Plaintiff's political campaign and reputation.
3. Plaintiff suffered damages, including legal costs, emotional distress, and reputational harm, as a result of this malicious prosecution.

RELIEF REQUESTED

Plaintiff respectfully requests the following relief:

- A. **Compensatory Damages:** An award of compensatory damages in an amount to be determined at trial for emotional distress, reputational harm, financial losses, and other injuries caused by Defendants' actions.
- B. **Punitive Damages:** An award of punitive damages against Defendants Preston and Myers in their individual capacities to deter future misconduct.
- C. **Declaratory Relief:** A declaration that Defendants' actions violated Plaintiff's First, Fourth, Fifth, and Fourteenth Amendment rights.
- D. **Injunctive Relief:** An injunction barring Defendants from further retaliatory or coercive actions against Plaintiff and ordering the expungement of any criminal record resulting from the coerced plea.
- E. **Attorneys' Fees and Costs:** Reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and other applicable laws.
- F. **Other Relief:** Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

DATED: April 22, 2025

Respectfully submitted,

Plaintiff Gabriel Whitley Pro Se